

REMARKS/ARGUMENTS

Claims 10, 12, and 13 were objected to because of the phrase "the either outer member." Applicant submits that this terminology is sufficiently specific that one skilled in the art to which the invention pertains would inherently know that the phrase refers to either side of a two sided object.

The rejection of claims 11 and 12 has been noted and this rejection has been overcome by correcting the dependency of these claims to now depend from claim 11.

Claims 10, 12 and 13 have been rejected under 35 U.S.C. § 112, second paragraph as being indefinite. These claims have been amended to overcome this ground of rejection.

Claims 1 to 3 and 5 were rejected under 35 U.S.C. § 102(b) as being anticipated by Hutchinson '156. This ground of rejection is respectfully traversed for the reasons set forth below.

The Examiner has consistently mischaracterized Hutchison as "a building panel." This is entirely contrary to the teaching of Hutchison who titles his invention as a "pallet", refers to his invention as a "pallet" in the Abstract and Field of Invention, goes on to describe the disadvantages of prior art pallets in the Background of the Invention and then cites eighteen (18) references, fifteen (15) of which have "pallet" in their title. Hutchison then goes on to describe his invention as a "pallet" many times, including two of the three portions of the specification relied upon by the Examiner. Thus the Examiner cannot be unaware of the fact that he is

mischaracterized and improperly applied Hutchison using hindsight to reform Hutchison in a manner never disclosed nor suggested by the reference. The fact that this is improper has been repeatedly stated by the Board of Appeals in reversing many erroneous Examiner decisions. Therefor this reference must be withdrawn.

The Examiner has improperly stated that features of the present invention, such a insulating characteristics, such as coating with antifungal material and fire retardant material, would be obvious. But why would these features be "obvious" in a pallet which has a limited useful life, is expected to be eventually destroyed, and is not intended as a structure serving as a dwelling?.

Hutchinson does not disclose or suggest coatings to make a fire resilient or mold and fungal resistant or insulating building panel as such features would not be of any use in a pallet, which is the Hutchinson's invention. Hutchinson also never mentions a foil layer as that clearly would be of no use in a pallet. Hutchinson's pallet is just layer after layer of cardboard to make a pallet that is somewhat resilient to wear and thus somewhat durable than previous wooden pallets. The present invention incorporates a foil layers specifically to reflect heat and to stop cold-to-heat or heat-to-cold temperature transfer. Hutchinson's teaching of multiple layers of corrugated sheets is simply not sufficient to anticipate the present invention. To imply that it would be obvious to one skilled in the art to modify Hutchinson according to the teachings of the present invention is only consistent with the Examiner's improper use of hindsight in reconstructing the reference in a manner not taught by the reference but only by using the present disclosure as a

blueprint for this improper reconstruction. Thus this ground of rejection must be withdrawn.

Claims 1, 4, 10 and 13 were rejected under 35 U.S.C. § 102(b) as being anticipated by Pobanz '910. This ground of rejection is respectfully traversed for the reasons set forth below.

Pobanz, unlike Hutchinson, is a panel used for constructing buildings. However, Pobanz uses corrugated foils in place of the smooth layers of foil between double layers of corrugation of the present invention. The present invention would have approximately ten times the strength of the reference since the foil layers act both as a bonding layer and a reflecting layer. Pobanz attaches his foils only at the outer surfaces and thus lacks the structural integrity of the present invention. The present invention does not rely upon the foil for structural support, only for reflection and as a heat transfer barrier.

Claims 6 to 9, 11 and 12 were rejected under 35 U. S. C. § 103(a) as being unpatentable over Pobanz '910 in view of Webb '316. This ground of rejection is also traversed for the reasons set forth below.

The deficiencies of Pobanz as an anticipation are discussed above. To imply that it would be obvious to one skilled in the art to modify Pobanz according to the teachings of Webb would be an improper use of hindsight in reconstructing the primary reference in a manner not taught by the Pobanz by using the present disclosure as a blueprint. There is no teaching or suggestion in either Pobanz or Webb to support this proposed combination of references. Webb was filed more than eleven years after Pobanz issued. To say that the features of Webb were "well known" at the time of Pobanz lacks support and is only conjecture of the Examiner. Thus this ground of

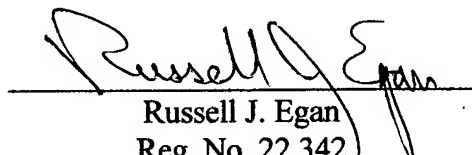
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rejection must be withdrawn.

No comment on the other prior art of record is deemed necessary.

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,



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